

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JULIUS WORTHY,)
Petitioner,)
v.) No. 4:15CV1503 SNLJ
JAMES HURLEY,)
Respondent,)

MEMORANDUM AND ORDER

Before the Court is petitioner's post-dismissal request for a certificate of appealability. The Court dismissed petitioner's habeas petition on October 26, 2015, as time-barred and denied him a certificate of appealability on that date.

If a federal court denies a habeas application on procedural grounds without reaching the underlying constitutional claims, the court is not required to issue a certificate of appealability unless the petitioner demonstrates that jurists of reason would find it debatable: (1) whether the application states a valid claim of the denial of a constitutional right; and (2) whether the court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The Court finds that petitioner has not shown that jurists of reason would find it debatable that his application states a valid claim of the denial of a constitutional right. As such, the Court will deny his application for certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that petitioner's request for certificate of appealability [Doc. #7] is **DENIED**.

Dated this 17th day of December, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE